

Jane Dee Hull  
Governor

Barry A. Cassidy, Ph.D., P.A.-C  
Executive Director



## Joint Board on the Regulation of Physician Assistants

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Anna Marie Prassa  
Vice Chair

## FINAL MINUTES OF THE WEDNESDAY, AUGUST 21, 2002 MEETING

### **JOINT BOARD MEMBERS**

Anna Marie Prassa, Acting Chair  
Randy Danielson, P.A.-C  
G. Bradley Klock, D.O.  
Sigmund Popko  
Joan M. Reynolds, P.A.-C  
A. Ray Tuttle, P.A.-C  
Peter C. Wagner, D.O.  
Barry D. Weiss, M.D.  
Richard Zimmerman, M.D.

### **STAFF**

Barry A. Cassidy, Ph.D., P.A.-C, Executive Director  
Ron Anderson, Assistant Director  
Amanda Diehl, Assistant Director  
Lisa McGrane, Planning and Operations Administrator  
Marie Slaughter, Licensing Administrator  
Dominick Spatafora, Legislative and Regulatory Affairs Director

### **BOARD COUNSEL**

Christine Cassetta, Assistant Attorney General

### **I. CALL TO ORDER**

Anna Marie Prassa, Acting Chair, called the meeting to order at 1:00 p.m.

### **II. ROLL CALL**

The following Board members were present: Joan Reynolds, P.A.-C, Anna Marie Prassa, Randy Daniels, P.A.-C, Sigmund Popko, A. Ray Tuttle, Peter Wagner, D.O., G. Bradley Klock, D.O. The following Board member was absent: Barry Weiss, M.D.

### **III. EXECUTIVE DIRECTOR'S REPORT**

#### **Budget Report**

As of June 30, 2002, total revenue was \$158,228. Of that amount, 10%, \$15,823, was deposited to the General Fund, leaving a balance of \$142,405. Total expenditures for the year are \$234,571; less total revenue of \$142,401 leaves a deficit balance of \$92,164.

#### **Agency Statistics**

The Board was provided with information regarding Fiscal Year 2001-2002 statistics.

Minutes of the August 21, 2002 Joint Board Meeting

## EXECUTIVE DIRECTOR'S REPORT CONTINUED

### **Proposed 2003 Board Meeting Dates**

**MOTION:** Randy Danielsen, P.A.-C moved to accept the proposed 2003 meeting dates.

**SECONDED:** Joan Reynolds, P.A.-C

**VOTE:** 8-0-0 Motion passed.

### **Board Appointments**

Sigmund G. Popko, a Tempe judge and Arizona State University law professor will replace Ed Beasley of Glendale as one of the Board's public members. Joan M. Reynolds, a Phoenix-based physician assistant, replaces Rick Christensen, P.A. of Phoenix as one of the Board's four physician assistant members. The Arizona Board of Medical Examiners announced Barry A. Cassidy, Ph.D., PA-C as its new Executive Director. Dr. Cassidy assumed his role of Executive Director on July 8, 2002. His responsibilities also include acting as the Executive Director for the Joint Board on the Regulation of Physician Assistants.

### **Legislative and Regulatory Affairs Update**

Barry A. Cassidy, Ph.D., PA-C informed the Board that Dominick Spatafora, Legislative and Regulatory Affairs Director, is leaving the agency. Mr. Spatafora informed the Board that the legislation affecting the two Boards becomes effective tomorrow. To date, the agency has not received any stakeholder legislation request forms. Mr. Spatafora stated there would be a large amount of rulemaking to be done. The Board will hold a teleconference at a future date to discuss the executive director delegations and physician assistant prescribing and dispensing recording systems. Dr. Cassidy informed the Board that a separate website is being developed for the P.A. Board. Dr. Cassidy stated that the Board would need to approve fees during the November meeting.

### **Staff Reports**

#### **Enforcement Statistics**

Over the past two years, the enforcement team accomplished the goal of clearing the backlog of investigations for the Joint Board on the Regulation of Physician Assistants. There is no physician assistant case backlog prior to the year 2002.

#### **Licensing/Renewals FY 2002 Overview**

During the last year, the Licensing Center has been actively working to improve the level of service provided to licensees by implementing several changes, which include implementation of House Bill 2542. The initial licensure process has been streamlined and the licensing processing and applicant deficiency notification timeframes are now less than 30 days.

### **Human Resources Update**

The agency recently purchased a 360 Performance Feedback Program for conducting employee evaluations. The program is currently scheduled for implementation.

### **FY 2003-2005 Strategic Plan**

The Board was provided with a copy of the Arizona Medical Board Strategic Plan for Fiscal Years 2003-2005.

### **FY 2001-2002 Annual Report**

The Board was provided with a copy of the Arizona Board of Medical Examiners Fiscal Year 2001-2002 Annual Report.

### **Annual Conferences**

The Board was provided with information on the September 12-14, 2002 CLEAR Conference and the November 13-15, 2002 Citizen Advocacy Center Conference.

### **Training Update**

The Board was provided with information regarding the Training Academy credits they received.

### **Attendance Update**

The Board was provided with information regarding their individual attendance at Board meetings.

### **Reading Material**

The Board was provided with reading materials.

## **IV. SPECIAL PRESENTATION**

Barry A. Cassidy, Ph.D., PA-C presented former Board member Rick Christensen, P.A. with a plaque of appreciation for his service. Dr. Cassidy will be presenting a similar plaque to former Board member Richard Zimmerman, M.D. Anna Marie Prassa presented Barry Cassidy, Ph.D., PA-C with a plaque on behalf of his service to the Board. The Board congratulated Dr. Cassidy on his new position as the Arizona Board of Medical Examiners Executive Director.

## **V. CALL TO PUBLIC**

Individuals who addressed the Board during the Call to the Public are listed under the case about which they spoke.

Minutes of the August 21, 2002 Joint Board Meeting

## **VI. APPROVAL OF MINUTES**

**MOTION:** G. Bradley Klock, D.O. moved to approve the minutes of the May 15, 2002 meeting.

**SECONDED:** Randy Danielsens, P.A.-C

**VOTE:** 5-0-2 Motion passed.

## **VII. LEGAL ADVISOR REPORT**

The Board may vote to discuss the following matters in Executive Session pursuant to A.R.S. § 38-431.03(A)(3) and (4).

- Webb v. Board of Medical Examiners

**MOTION:** Anna Marie Prassa moved to go into Executive Session.

**SECONDED:** G. Bradley Klock, D.O.

**VOTE:** 7-0-0 Motion passed.

Anna Marie Prassa read the Executive Session Announcement.

The Board went into Executive Session at 1:02 p.m.

The Board returned to Open Session at 1:31 p.m.

## **VIII. ELECTION OF OFFICERS**

**MOTION:** G. Bradley Klock, D.O. nominated Randy Danielsens, P.A.-C for Chair.

**SECONDED:** Peter C. Wagner, D.O.

**VOTE:** 7-0-0 Motion passed.

**MOTION:** Peter C. Wagner, D.O. nominated A. Ray Tuttle, P.A.-C for Vice Chair.

**SECONDED:** Joan Reynolds, P.A.-C

**VOTE:** 7-0-0 Motion passed.

## **IX. NEW BUSINESS**

NO.	CASE NO.	COMPLAINANT	PHYSICIAN ASSISTANT	LIC. #	BOARD RESOLUTION
1.	PA-02-0003	W.M. & M.C.	FRANKLIN TREJOS, P.A.-C	1284	Letter of concern for prescribing a medication for which the patient had a known allergy, as the standard of care was deviated from and the patient endured harm as a result of the action.

Ron Palmer, Investigator Supervisor, presented the case to the Board. Mr. Palmer stated that during the investigational interview, P.A. Trejos admitted to making a mistake in prescribing. P.A. Danielsens stated that an obvious mistake was made, and the physician assistant admitted to the mistake and made appropriate corrections.

**MOTION:** A. Ray Tuttle, P.A.-C moved to issue a letter of concern for prescribing a medication for which the patient had a known allergy, as the standard of care was deviated from and the patient endured harm as a result of the action.

**SECONDED:** Peter C. Wagner, D.O.

**VOTE:** 7-0-0 Motion passed.

NO.	CASE NO.	COMPLAINANT	PHYSICIAN ASSISTANT	LIC. #	BOARD RESOLUTION
2.	PA-02-0007	JOINT BOARD	JASON HUMPHREY, P.A.	2259	Dismissed.

Edward Gaines, Esq. addressed the Board on behalf of P.A. Humphrey during the Call to the Public and stated that the patient cast in question was not discontinued prematurely. Jason Humphrey, P.A. addressed the Board during the Call to the Public. Carlyle Fleming, Senior Investigator, presented the case to the Board. Maxwell MacCollum, M.D., Board Medical Consultant, stated that the patient needed longer mobilization. Dr. Wagner stated he agreed with the recommendation for a letter of concern. Mr. Gaines noted two hand surgeons stated that the length of mobilization was appropriate and there is a lack of evidence to support a letter of concern. Peter C. Wagner, D.O. noted the supervising physician stated the cast should not have been removed. P.A. Reynolds questioned P.A. Humphrey regarding the use of the wrist splint.

**MOTION:** A. Ray Tuttle, P.A.-C moved to dismiss the case.

**SECONDED:** G. Bradley Klock, D.O.

**VOTE:** 6-1-0 Motion passed.

## NEW BUSINESS CONTINUED

**MOTION:** A. Ray Tuttle, P.A.-C moved to dismiss cases 3-6.

**SECONDED:** Randy Danielsen, P.A.-C

**VOTE:** 7-0-0 Motion passed.

NO.	CASE NO.	COMPLAINANT	PHYSICIAN ASSISTANT	LIC. #	BOARD RESOLUTION
3.	PA-01-0030	D.G.	RICHARD ALLEN, P.A.-C	2336	Dismissed.
4.	PA-01-0025	D.P.	STEVEN HERMAN, P.A.-C	1237	Dismissed.
5.	PA-02-0004A	M.C.	RAMON UGRATE, JR., P.A.	1056	Dismissed.
6.	PA-02-0005	S.M.	DAWN KEEFE DUFF, P.A.	2341	Dismissed.

NO.	CASE NO.	COMPLAINANT	PHYSICIAN ASSISTANT	LIC. #	BOARD RESOLUTION
7.	PA-02-0008	JOINT BOARD	KAREN MOSER, P.A.	2046	Consent Agreement not accepted and the investigation continued.

Karen Moser, P.A. addressed the Board during the Call to the Public and stated she did not wish to surrender her license and her situation has changed since she signed the consent agreement. Lawrence J. Monte, Senior Investigator, presented the case to the Board.

**MOTION:** Peter C. Wagner, D.O. moved to go into Executive Session.

**SECONDED:** G. Bradley Klock, D.O.

**VOTE:** 7-0-0 Motion passed.

Anna Marie Prassa read the Executive Session Announcement.

The Board went into Executive Session at 2:18 p.m.

The Board returned to Open Session at 2:25 p.m.

**MOTION:** Peter C. Wagner, D.O. moved to not accept the consent agreement and continue the investigation.

**SECONDED:** Randy Danielsen, P.A.-C

**VOTE:** 7-0-0 Motion passed.

NO.	CASE NO.	COMPLAINANT	PHYSICIAN ASSISTANT	LIC. #	BOARD RESOLUTION
8.	PA-01-0015	S.D.	ERIC A. CASTANEDA, P.A.	2129	Investigation continued.

R.D. and B.D. addressed the Board during the Call to the Public. S.D. addressed the Board during the Call to the Public. Eric Castaneda, P.A. accepted the invitation to informal interview and was present with his attorney, Dan Cavett. Dennis McMahon, Senior Investigator, presented the case to the Board.

**MOTION:** Randy Danielsen, P.A.-C moved to go into Executive Session.

**SECONDED:** A. Ray Tuttle, P.A.-C

**VOTE:** 7-0-0 Motion passed.

Anna Marie Prassa read the Executive Session Announcement.

The Board went into Executive Session at 2:52 p.m.

The Board returned to Open Session at 3:17 p.m.

P.A. Castaneda stated the allegations regarding sexual contact are false, but he did provide prescriptions to the patient without a physical examination. A. Ray Tuttle, P.A.-C stated that after reviewing the evidence, regardless of the results of a criminal investigation, the Board is required to protect the public and must hold its licensees to a higher standard. P.A. Tuttle stated that the evidence shows that there was an inappropriate relationship and recommends the P.A. undergo a psychosexual evaluation relating to sexual boundary issues to determine if the P.A. is a risk to the public, and the investigation be continued. Peter C. Wagner, D.O. expressed his concerns regarding the case and P.A. Castaneda's lack of judgment. P.A. Tuttle asked if P.A. Castaneda would be willing to enter into a consent agreement to not treat minors until the case is resolved. P.A. Castaneda stated that he has been treating minors since this incident two years ago without further complaint. Mr. Cavett noted that the minor was not a patient of P.A. Castaneda's and P.A. Castaneda would not be willing to enter into such a consent agreement. Dr. Wagner questioned P.A. Castaneda regarding the prescribing in this case. Dr. Castaneda stated he has not prescribed in this fashion since the incident. Mr. Cavett addressed the Board on behalf of P.A. Castaneda and noted there was not a conviction or charge against P.A. Castaneda regarding the sexual allegations and that in regard to the inappropriate prescribing a letter of concern is warranted.

**NEW BUSINESS CONTINUED: P.A. CASTANEDA'S INFORMAL INTERVIEW**

**MOTION:** Peter C. Wagner, D.O. moved to continue the investigation and have P.A. Castaneda obtain a psychosexual evaluation with a Board approved evaluator to determine if there are boundary issues. The evaluation is to be completed within sixty days at P.A. Castaneda's expense.

**SECONDED:** Sigmund Popko

**ROLL CALL VOTE** was taken and the following Board members voted in favor of the motion: Randy Danielsen, P.A.-C, G. Bradley Klock, D.O., Sigmund Popko, Anna Marie Prassa, Joan Reynolds, P.A.-C, A. Ray Tuttle, P.A.-C, and Peter C. Wagner, D.O.

**VOTE:** 7-0-0 Motion passed.

**REQUEST FOR INACTIVATION**

(The Board may accept the recommendation or take other types of action pursuant to their statutory authority)

NO.	LIC.	PHYSICIAN ASSISTANT
9.	1095	JOE L. ROGERS, P.A.

**MOTION:** Randy Danielsen, P.A.-C moved to grant the request for inactivation.

**SECONDED:** A. Ray Tuttle, P.A.-C

**VOTE:** 7-0-0 Motion passed.

**REQUEST FOR CANCELLATION OF LICENSE**

(The Board may accept the recommendation or take other types of action pursuant to their statutory authority)

**MOTION:** A. Ray Tuttle, P.A.-C moved to accept the requests for cancellation of license for cases 10-12.

**SECONDED:** Randy Danielsen, P.A.-C

**VOTE:** 7-0-0 Motion passed.

NO.	LIC.	PHYSICIAN ASSISTANT
10.	1356	THOMAS E. FALLOWS, P.A.
11.	2258	MICHELLE E. HICKMAN, P.A.
12.	2454	LAURA A. EVANS, P.A.

**X. OLD BUSINESS**

NO.	CASE NO.	COMPLAINANT	PHYSICIAN ASSISTANT	LIC. #	BOARD RESOLUTION
13.	PA-98-0002 PA-98-0004 PA-98-0009	A.W. A.A. J.K.	JOHN VERSCHOOR, P.A.-C	1194	Rescinded the referral to formal hearing and accepted the proposed consent agreement for a Decree of Censure and Probation.

John Verschoor, P.A.-C addressed the Board during the Call to the Public. Dominique Barrett, Esq., appearing on behalf of the State, requested the Board accept the Consent agreement for a Decree of Censure and Probation.

**MOTION:** A. Ray Tuttle, P.A.-C moved to rescind the referral to formal hearing and accept the proposed consent agreement.

**SECONDED:** Dr. Wagner

**ROLL CALL VOTE** was taken and the following Board members voted in favor of the motion: Randy Danielsen, P.A.-C, G. Bradley Klock, D.O., Sigmund Popko, Anna Marie Prassa, Joan Reynolds, P.A.-C, A. Ray Tuttle, P.A.-C, Peter Wagner, D.O.

**VOTE:** 7-0-0 Motion passed.

NO.	CASE NO.	COMPLAINANT	PHYSICIAN ASSISTANT	LIC. #	BOARD RESOLUTION
14.	PA-01-0022	JOINT BOARD	C. ROBERT VANSELOW, P.A.	2309	Granted the petition for rehearing.

**MOTION:** A. Ray Tuttle, P.A.-C moved to grant the petition for rehearing, continue the investigation, and re-notice P.A. Vanselow regarding his failure to comply with the notice requirements of the SRA. This is based on the recommendation of the Board's counsel.

**SECONDED:** Peter C. Wagner, D.O.

**ROLL CALL VOTE** was taken and the following Board members voted in favor of the motion: Randy Danielsen, P.A.-C, G. Bradley Klock, D.O., Sigmund Popko, Anna Marie Prassa, Joan Reynolds, P.A.-C, A. Ray Tuttle, P.A.-C, Peter Wagner, D.O.

**VOTE:** 7-0-0 Motion passed.

The meeting adjourned at 4:22 p.m.

[Seal]

BARRY A. CASSIDY, Ph.D., P.A.-C, Executive Director